UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

ALLWAYS EAST TRANSPORTATION, INC.,

                Debtor.

Chapter 7

Case No. 16-22589 (RDD)

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HOWARD P. MAGALIFF, Chapter 7 Trustee of
ALLWAYS EAST TRANSPORTATION, INC.,

                Plaintiff,

      v.

EDWARD KOLLER,

                Defendant.

Adv. Pro. No. 18-08324 (RDD)

 WPBC 19,0028

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ORDER DIRECTING
<u>ENTRY OF DEFAULT JUDGMENT</u>

Upon the motion, by notice of presentment dated September 23, 2019 (the

"**Motion**") of Howard P. Magaliff, in his capacity as the Chapter 7 trustee (the "**Trustee**") of the

bankruptcy estate of ALLWAYS EAST TRANSPORTATION, INC., by and through his attorneys

Archer & Greiner, P.C., for entry of a default judgment against defendant Edward Koller (the

"**Defendant**") pursuant to Rule 7055 of the Federal Rules of Bankruptcy Procedure; and upon the

supporting Declaration of Jeffrey Traurig, including the exhibits thereto; and due and proper notice

of the Motion and the opportunity for a hearing thereon having been provided; and there being no

opposition to the Motion; and no other or further notice or a hearing being required; and the Court

having reviewed the Motion, the Traurig Declaration and the exhibits thereto, including the

Complaint herein; and the Court having determined that the Defendant has failed to timely answer or otherwise move with respect to the Complaint; and, after due deliberation, the Court having determined that the legal and factual bases set forth in the Motion establish good and sufficient cause for the relief granted herein; and upon all the proceedings had before the Court; now, therefore, it is hereby

ORDERED, that the Motion is granted as set forth herein; and it is further

ORDERED, that the Defendant is found to have failed to plead or defend the claims asserted against him in this adversary proceeding; and it is further

ORDERED, that the Defendant is found and adjudicated to be in default in this adversary proceeding; and it is further

ORDERED, that the Trustee have judgment against Defendant in the liquidated amount of $341,304.03, plus cost of $350.00, for a total judgment of $341,654.03, plus interest accruing from and after the date of entry of a judgment at the federal post-judgment rate under 29 U.S.C. § 1961; and it is further

ORDERED, that the Clerk of the Court is instructed to promptly enter judgment against defendant Edward Koller in the form annexed hereto as Exhibit 1; and it is further

ORDERED, that any claim of Defendant in this chapter 7 case is disallowed under 11 U.S.C. § 502(d) unless and until Defendant pays the Trustee the full amount of the foregoing judgment, without prejudice to any other defenses to any such claim of Defendant; and it is further

ORDERED, that this Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: White Plains, New York
      October 23, 2019

                        /s/Robert D. Drain
                        UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
---x

In re   Chapter 7

ALLWAYS EAST TRANSPORTATION, INC.,   Case No. 16-22589 (RDD)

                Debtor.

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HOWARD P. MAGALIFF, Chapter 7 Trustee of   Adv. Pro. No. 18-08324 (RDD)
ALLWAYS EAST TRANSPORTATION, INC.,

                Plaintiff,

       v.

EDWARD KOLLER,

                Defendant.

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JUDGMENT

Default was entered against defendant Edward Koller on May 28, 2019. The plaintiff, HOWARD P. MAGALIFF, has requested entry of judgment by default and has filed a motion dated September 23, 2019 setting for the amount due.

The Court has ordered that the plaintiff, in his capacity as Chapter 7 trustee of the estate of Allways East Transportation, Inc., recover from the defendant Edward Koller.

Therefore, judgment is entered against Edward Koller in favor of Howard P. Magaliff, as Chapter 7 Trustee of the Estate of Allways East Transportation, Inc., as follows:

It is ORDERED, ADJUDGED AND DECREED that Howard P. Magaliff, as Chapter 7 trustee of the estate of Allways East Transportation, Inc., plaintiff, have judgment against the defendant, Edward Koller in the amount of $341,304.03, plus costs of $350.00, for a total judgment of $341,304.03, plus interest accruing from the date hereof at the federal post-judgment rate under 28 U.S.C. § 1961.

Date: October 23, 2019   *CLERK OF THE COURT*

                                                  Clerk or Deputy Clerk